

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40161
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO CARRERA-HERNANDEZ, a/k/a
Carlos Mendoza-Hernandez,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
UDC No. L-96-CR-203-1

- - - - -
December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Antonio Carrera-Hernandez appeals his sentence following his guilty-plea conviction to illegally entering the United States after previously being deported. He contends that the district court erred by enhancing his offense level by two levels for obstruction of justice. Carrera-Hernandez's appeal is not based in fact. A review of the record reveals that the district court did not enhance his offense level for obstruction of justice.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Rather, the district court reduced Carrera-Hernandez's offense level by two levels after discussing the appropriateness of an upward adjustment for obstruction of justice.

This appeal is frivolous and is thus DISMISSED. See 5th Cir. R. 42.2. Counsel are warned that this court has little tolerance for the raising and arguing of frivolous issues that are belied by the record.

APPEAL DISMISSED.